

Affirmation of Service

Michele Hauser, an attorney admitted to practice before this Honorable Court, affirms as follows under penalties of perjury:

1. I am the attorney for the defendants and I maintain my office for the practice of law in New York County.

2.. On January 25, 2008 I served the defendants' Affidavits and Exhibits in Opposition to the Motion for Judgment on the Pleadings and an Injunction and in Reply and Further Support of Defendants' Motions To Dismiss and for Injunction by delivering true and complete copies to the plaintiff himself at 322 East 77th Street, New York, New York.

Dated: Brooklyn, NY
January 28, 2008

Michele Hauser

MICHELE HAUSER
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January 28, 2008

Honorable John Koetl
United States Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Dear Judge Koetl:

I file this letter to explain why the defendants' affidavits and exhibits in opposition to Mr. Melnitzky's Motions for Judgment on the Pleadings and Injunction, and in Reply and Further Support of Plaintiffs' Motions To Dismiss and for Injunction, were not filed on Friday, January 25, 2008.

I personally hand delivered the documents to Mr. Melnitzky. When I returned to my office I found that the ECF system would not accept two of the exhibits for filing, that the help desk was closed for the weekend and that neither the ECF materials nor anyone in my office was able to help with the problem, which I was only able to correct with the help of a commercial printer and the help desk today.

Respectfully yours,

Michele Hauser

cc: Michael Melnitzky